

Notice of Allowability

Application No.

09/831,426

Applicant(s)

BORDON-PALLIER ET AL.

Examiner

Art Unit

Christopher H Yaen

1642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/28/04.
2. ☒ The allowed claim(s) is/are 2-5 and 10-14.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

GARY NICKOL
PRIMARY EXAMINER



Christopher Yaen
Art Unit 1642

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Charles Muserlian on 2/2/05.

The application has been amended as follows:

Claim 2 (Currently Amended) A recombinant DNA sequence comprising the hTFIIIA gene coding for the human transcription factor hTFIIIA of SEQ ID No: 2.

Claim 3 (Currently Amended) A recombinant DNA sequence of the hTFIIIA gene according to claim 2 ~~having~~ comprising the nucleotide sequence of SEQ ID No: 3.

Claim 4 (Currently Amended) A recombinant DNA sequence of the hTFIIIA gene according to claim 2 ~~having~~ comprising the nucleotide sequence of SEQ ID No: 4.

Claim 5 (Currently Amended) A recombinant DNA sequence according to claim 2 ~~having~~ comprising the sequence beginning at nucleotide 176 and finishing at the nucleotide 1270 of SEQ ID No: 3.

Claims 6-9 (Canceled)

Claim 10 (Currently Amended) A recombinant polypeptide having the function of human transcription factor hTFIIIA and with comprising the amino acid sequence of SEQ ID No: 2 coded by the DNA sequence according to claim 2.

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Claim 11 (Currently Amended) A ~~process for the preparation~~ method of the preparing a hTFIIIA recombinant protein ~~having~~ comprising the amino acid sequence of SEQ ID No: 2 comprising expressing the DNA sequence according to claim 2 in an appropriate host, ~~then isolating, and purifying~~ purifying the ~~said~~ recombinant protein.

Claim 12 (Currently Amended) An expression vector ~~containing~~ comprising the recombinant DNA sequence according to claim 2.

Claim 13 (Currently Amended) An isolated host cell transformed with a vector according to claim 12.

Claim 14 (Previously Presented) A plasmid deposited at the CNCM under the number of I-2071.

Claims 15-19 (Canceled)

All rejections and or objections are withdrawn in view of the applicant's amendments and arguments thereto as set forth in the paper filed 10/28/2004.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher H Yaen whose telephone number is 571-272-0838. The examiner can normally be reached on Monday-Friday 9-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Siew can be reached on 571-272-0787. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Yaen
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February 1, 2005

A handwritten signature in black ink, appearing to read "Gary Nickol".

**GARY NICKOL
PRIMARY EXAMINER**